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Forty-ninth session
THIRD COMMITTEE
Agenda item 101

PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Bosnia and Herzegovina, Croatia, Peru*, and Saint Lucia: draft resolution

Protection of children affected by armed conflicts

The General Assembly,

Reaffirming its resolution 44/25 of 20 November 1989, by which it adopted the Convention on the Rights of the Child, and its resolution 3318 (XXIX) of 14 December 1974, by which it proclaimed the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recalling that the Geneva Conventions of 12 August 1949 1/ and the Additional Protocols thereto, of 1977, 2/ as well as article 38 of the Convention on the Rights of the Child, accord children special protection and treatment,

Recalling also the World Declaration on the Survival, Protection and Development of Children 3/ and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the

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* On behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States.

1/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

2/ Ibid., vol. 1125, Nos. 17512 and 17513.

3/ See A/45/625, annex.

1990s, 3/ adopted by the World Summit for Children, held in New York on 29 and 30 September 1990, and stressing the necessity of implementing their provisions,

Taking note of the report of the Committee on the Rights of the Child, on its fifth session, 4/ held at Geneva from 10 to 28 January 1994,

Recalling Commission on Human Rights resolution 1994/94 of 9 March 1994, 5/

Mindful of the strong support of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, for a proposed study, as reflected in paragraph 50 of section II of the Vienna Declaration and Programme of Action, 6/

Profoundly concerned about the continuing deterioration in the situation of children in many parts of the world as a result of armed conflicts, and convinced that immediate action is called for,

Convinced that children affected by armed conflicts require the special protection of the international community and that there is a need for all States to work towards the alleviation of their plight,

Recognizing the valuable work done in this field by United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations,

Recalling its resolution 48/157 of 20 December 1993,

1. Expresses grave concern about the tragic situation of children in many parts of the world as a result of armed conflicts;

2. Calls upon States fully to respect the dispositions contained in the Geneva Convention of 12 August 1949 and the Additional Protocols thereto, of 1977, as well as those in the Convention on the Rights of the Child, which accord children affected by armed conflicts special protection and treatment;

3. Recognizes that the primary needs of children in situations of armed conflict and in the period immediately following armed conflict are adequate nutrition, proper medical care and shelter;

4. Requests Member States and United Nations agencies, within the scope of their respective mandates, to undertake appropriate measures to facilitate

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4/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 41 (A/49/41).

5/ Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

6/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

the extension of humanitarian assistance and relief and humanitarian access to children in situations of armed conflict and the immediate aftermath of such conflict;

5. Takes note of the report of the Secretary-General on concrete measures taken to alleviate the situation of children in armed conflict; 7/

6. Requests the Secretary-General to report on the concrete measures which have been taken to alleviate the situation of children in armed conflict, based in the information to be provided by Member States and United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations;

7. Takes note with appreciation of the report of the Committee on the Rights of the Child on its fifth session and the recommendations contained therein concerning the situation of children affected by armed conflict;

8. Welcomes the appointment of an expert to undertake a comprehensive study of this question, with the mandate established by resolution 48/157;

9. Takes note of the progress report of the Secretary-General on the work of the above-mentioned expert; 8/

10. Requests Member States and United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations, including the Committee on the Rights of the Child, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the World Health Organization and the International Committee of the Red Cross, to contribute to the study referred to in paragraph 8 of the present resolution;

11. Invites the Commission on Human Rights to consider the study at its fifty-first session;

12. Requests the Secretary-General to submit a report on the study to the General Assembly at its fiftieth session;

13. Decides to consider this question at its fiftieth session under the item entitled "Promotion and protection of the rights of children".

7/ A/49/411.

8/ A/49/643.

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PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Australia, Bosnia and Herzegovina, Cambodia, Croatia, Micronesia (Federated States of), Norway, Peru*, Philippines and Sweden: revised draft resolution

Protection of children affected by armed conflicts

The General Assembly,

Reaffirming its resolution 44/25 of 20 November 1989, by which it adopted the Convention on the Rights of the Child, and its resolution 3318 (XXIX) of 14 December 1974, by which it proclaimed the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recalling that the Geneva Conventions of 12 August 1949 1/ and the Additional Protocols thereto, of 1977, 2/ as well as article 38 of the Convention on the Rights of the Child, accord children special protection and treatment,

* On behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States.

1/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

2/ Ibid., vol. 1125, Nos. 17512 and 17513.

Recalling also the World Declaration on the Survival, Protection and Development of Children 3/ and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, 3/ adopted by the World Summit for Children, held in New York on 29 and 30 September 1990, and stressing the necessity of implementing their provisions,

Noting the work of the open-ended working group on the elaboration of a preliminary draft optional protocol to the Convention on the Rights of the Child relating to the involvement of children in armed conflicts,

Taking note of the report of the Committee on the Rights of the Child, on its fifth session, 4/ held at Geneva from 10 to 28 January 1994,

Recalling Commission on Human Rights resolution 1994/94 of 9 March 1994, 5/

Mindful of the strong support of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, for a proposed study, as reflected in paragraph 50 of section II of the Vienna Declaration and Programme of Action, 6/

Profoundly concerned about the continuing deterioration in the situation of children in many parts of the world as a result of armed conflicts, and convinced that immediate action is called for,

Convinced that children affected by armed conflicts require the special protection of the international community and that there is a need for all States to work towards the alleviation of their plight,

Recognizing the valuable work done in this field by United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations,

Recalling its resolution 48/157 of 20 December 1993,

1. Expresses grave concern about the tragic situation of children in many parts of the world as a result of armed conflicts;

3/ See A/45/625, annex.

4/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 41 (A/49/41).

5/ Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

6/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

2. Calls upon States fully to respect the dispositions contained in the Geneva Convention of 12 August 1949 and the Additional Protocols thereto, of 1977, as well as those in the Convention on the Rights of the Child, which accord children affected by armed conflicts special protection and treatment;

3. Recognizes that children in situations of armed conflict and in the immediate aftermath of armed conflict have the right to adequate nutrition, proper medical care and shelter;

4. Also recognizes the right of expectant mothers to the same care and protection, under similar circumstances;

5. Requests Member States and United Nations agencies, within the scope of their respective mandates, to undertake appropriate measures to facilitate the extension of humanitarian assistance and relief and humanitarian access to children in situations of armed conflict and the immediate aftermath of such conflict;

6. Takes note of the report of the Secretary-General on concrete measures taken to alleviate the situation of children in armed conflict; 7/

7. Requests the Secretary-General to report on the concrete measures which have been taken to alleviate the situation of children in armed conflict, based on the information to be provided by Member States and United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations;

8. Takes note with appreciation of the report of the Committee on the Rights of the Child on its fifth session and the recommendations contained therein concerning the situation of children affected by armed conflict;

9. Welcomes the appointment of an expert to undertake a comprehensive study of this question, with the mandate established by resolution 48/157;

10. Takes note of the progress report of the Secretary-General on the work of the above-mentioned expert; 8/

11. Notes that support is provided to the expert jointly by the Centre for Human Rights and the United Nations Children's Fund;

12. Requests the Secretary-General to ensure that the Centre for Human Rights is provided, within existing resources, with the staff and other resources it requires to assist the expert in the effective discharge of her mandate;

13. Requests Member States and United Nations bodies and organizations, as well as other relevant intergovernmental and non-governmental organizations,

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7/ A/49/411.

8/ A/49/643.

including the Committee on the Rights of the Child, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees, the World Health Organization and the International Committee of the Red Cross, to contribute to the study referred to in paragraph 9 of the present resolution;

14. Invites the Commission on Human Rights to consider the study at its fifty-first session;

15. Requests the Secretary-General to submit a report on the study to the General Assembly at its fiftieth session;

16. Decides to consider this question at its fiftieth session under the item entitled "Promotion and protection of the rights of children".

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Agenda item 101

PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Afghanistan, Australia, Cape Verde, Guinea-Bissau, Mongolia, Morocco, Peru* and Ukraine: draft resolution

Need to adopt efficient international measures for the prevention and eradication of the sale of children, child prostitution and child pornography

The General Assembly,

Reaffirming the Vienna Declaration and Programme of Action, 1/ adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, which requires effective measures against female infanticide, harmful child labour, the sale of children and their organs, child prostitution, child pornography and other forms of sexual abuse,

Recalling the Convention on the Rights of the Child, adopted in its resolution 44/25 of 20 November 1989,

Recalling also the World Declaration on the Survival, Protection and Development of Children 2/ and the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s, 2/ adopted by the World Summit for Children, held in New York on 29 and 30 September 1990,

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* On behalf of the States Members of the United Nations that are members of the Group of Latin American and Caribbean States.

1/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

2/ See A/45/625, annex.

Bearing in mind Commission on Human Rights resolution 1992/74 of 5 March 1992, 3/ by which the Commission adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography,

Recalling its resolution 48/156 of 20 December 1993,

Recalling also Commission on Human Rights resolution 1994/90 of 9 March 1994, 4/

Recognizing the enormous efforts made in this field by the United Nations, particularly the United Nations Children's Fund, the Committee on the Rights of the Child and the Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and child pornography,

Deeply concerned by the persistence of the practice of the use of children for prostitution, sexual abuse and other activities, which may also often constitute exploitation of child labour,

Deeply disturbed by the persistence of the practice of the sale of children and other practices, which may be linked to related disappearances, illegal adoptions, abandonment, kidnapping and abductions for commercial purposes,

Bearing in mind the different causes that influence the emergence and persistence of these special circumstances, including in particular poverty, unemployment, hunger, natural disaster, intolerance, exploitation of child labour and armed conflicts, and their harmful effects on the rights of the child,

Recognizing the existence of a market which encourages the increase of such criminal practices against children,

Taking into account the necessity that the Special Rapporteur be assisted by the cooperation of Governments and provided with information on this matter,

Considering that it is necessary to redouble efforts at the national and international level to promote and protect the rights of children all over the world,

1. Welcomes the report of the Special Rapporteur on the sale of children, child prostitution and child pornography, 5/

3/ Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

4/ Ibid., 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

5/ A/49/478.

2. Expresses deep concern at the alarming increase in violations of the rights of the child worldwide, in particular the growing number of incidents related to the sale of children, child prostitution and child pornography;

3. Urges Governments to continue searching for solutions, as well as ways and means of enhancing international cooperation to eradicate such aberrant practices;

4. Expresses its support for the work of the Special Rapporteur appointed by the Commission on Human Rights to examine all over the world the question of the sale of children, child prostitution and child pornography, and urges him to continue his efforts in the discharge of his mandate;

5. Urges all Governments to collaborate with the Special Rapporteur and to assist him by providing him with all the requested information;

6. Calls upon those States that have not done so to become parties to the Convention on the Rights of the Child, and calls upon the States parties to the Convention to implement national measures aimed at fulfilling the provisions of the Convention;

7. Commends the establishment by the Economic and Social Council in its resolution 1994/9 of 22 July 1994 of an open-ended working group responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child, guidelines for a possible draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as well as establishing the basic measures needed for the prevention and eradication of those abnormal practices,

8. Requests the Secretary-General to transmit the report of the working group to Governments, the Special Rapporteur and the intergovernmental and non-governmental organizations concerned;

9. Invites the Special Rapporteur, within the framework of his mandate, to continue giving attention to the economic, social, legal and cultural factors affecting these phenomena;

10. Requests the Special Rapporteur to submit a provisional report to the General Assembly at its fiftieth session;

11. Requests the Secretary-General to provide the Special Rapporteur and the working group of the Commission on Human Rights with every necessary assistance;

12. Decides to consider this question at its fiftieth session under the item entitled "Promotion and protection of the rights of children".

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Agenda item 101

PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Australia, Austria, Benin, Bolivia, Burkina Faso, Canada, Chile, Colombia, Cuba, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Gambia, Germany, Greece, Guinea-Bissau, Iceland, Italy, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malta, Mexico, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Poland, Republic of Moldova, Romania, Rwanda, Slovenia, Spain, Sweden, Ukraine, Venezuela and Zimbabwe: draft resolution

Implementation of the Convention on the Rights of the Child

The General Assembly,

Recalling its resolution 44/25 of 20 November 1989, by which it adopted the Convention on the Rights of the Child,

Recalling also its resolution 47/112 of 16 December 1992 and Commission on Human Rights resolution 1994/91 of 9 March 1994, 1/

Taking note of the report of the Committee on the Rights of the Child on its sessions, 2/ and the meeting of the States parties to the Convention on the Rights of the Child, held in New York on 10 October 1994,

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1/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

2/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 41 (A/49/41).

Reaffirming that the rights of children require special protection and call for continuous improvement of the situation of children all over the world, as well as for their development and education in conditions of peace and security,

Profoundly concerned that the situation of children in many parts of the world remains critical as a result of inadequate social and economic conditions, natural disasters, armed conflicts, exploitation, illiteracy, hunger and disability, and convinced that urgent and effective national and international action is called for,

Mindful of the important role of the United Nations and of the United Nations Children's Fund in promoting the well-being of children and their development,

Encouraged by the fact that an unprecedented number of States have to date become signatories and parties to the Convention on the Rights of the Child, thereby demonstrating the widespread political commitment that exists to strive for the promotion and protection of the rights of the child,

Convinced that the Convention on the Rights of the Child, as a standard-setting accomplishment of the United Nations in the field of human rights, makes a positive contribution to protecting the rights of children and ensuring their well-being,

Recalling the recommendation in the Vienna Declaration and Programme of Action, 3/ adopted by the World Conference on Human Rights, held at Vienna in 1993, that measures be taken to achieve by 1995, universal ratification of the Convention on the Rights of the Child, and the universal signing of the World Declaration on the Survival, Protection and Development of Children and Plan of Action, 4/ adopted by the World Summit for Children, held in New York on 29 and 30 September 1990, as well as their effective implementation,

Seriously concerned about those reservations to the Convention on the Rights of the Child which are contrary to the object and purpose of the Convention or otherwise contrary to international treaty law, and recalling that the Vienna Declaration and Programme of Action urges States to withdraw such reservations,

Having considered the report of the Secretary-General on the status of the Convention, 5/

1. Takes note with appreciation of the report of the Secretary-General on the status of the Convention on the Rights of the Child;

3/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

4/ A/45/625, annex.

5/ A/49/409.

2. Recalls with deep satisfaction the entry into force of the Convention on 2 September 1990 as a major step in international efforts to promote universal respect for and observance of human rights and fundamental freedoms;

3. Expresses its satisfaction at the number of States that have signed, ratified or acceded to the Convention since it was opened for signature, ratification and accession on 26 January 1990;

4. Urges all States that have not done so to sign, ratify or accede to the Convention as a matter of priority, with a view to reaching universal ratification by 1995;

5. Emphasizes the importance of the full implementation by States parties of the provisions of the Convention;

6. Urges States parties to the Convention that have made reservations to review the compatibility of their reservations with article 51 of the Convention and other relevant rules of international law, with the aim of withdrawing them;

7. Calls upon States parties to submit their reports to the Committee on the Rights of the Child on time, in accordance with the guidelines elaborated for that purpose;

8. Welcomes the constructive and useful results achieved by the Committee on the Rights of the Child during its first seven sessions;

9. Welcomes the consideration by the Committee of the reservations and declarations entered by States parties to the Convention as a part of its important functions in overseeing the effective implementation of the Convention;

10. Notes with appreciation the elaboration by the Committee of a preliminary draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts;

11. Requests the Committee, in accordance with article 45 (a) of the Convention on the Rights of the Child, to invite the United Nations Children's Fund, in collaboration with the Centre for Human Rights of the Secretariat, to submit reports on specific issues related to, inter alia, the exploitation and abuse of children, in order to increase awareness of the provisions of the Convention and their implementation, and in order to support concrete action at national and international levels;

12. Expresses concern at the increasingly heavy workload of the Committee on the Rights of the Child and the resulting difficulties it faces in the fulfilment of its functions;

13. Approves the recommendation contained in the resolution adopted by consensus at the meeting of the States parties to the Convention on the Rights of the Child on 10 October 1994, in which the States parties reaffirmed the recommendation made by the Committee on the Rights of the Child regarding the

increase to three of the number of annual sessions of the Committee as from 1995, as well as the number of sessions of the pre-sessional working group;

14. Authorizes the Secretary-General to implement that recommendation;

15. Requests the Secretary-General to ensure the provision of appropriate staff and facilities, within the overall existing budget framework, for the effective and expeditious performance of the functions of the Committee on the Rights of the Child;

16. Requests bodies and organizations of the United Nations, within the scope of their respective mandates, to intensify their efforts to disseminate information on the Convention on the Rights of the Child, promote understanding of it and assist Governments in its implementation;

17. Invites intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on the Convention to adults and children alike and promoting understanding of it;

18. Takes note of the establishment by the Economic and Social Council of two open-ended working groups to elaborate respectively, (a) a draft optional protocol to the Convention on the involvement of children in armed conflicts; and (b) guidelines for a possible draft optional protocol to the Convention on the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication;

19. Requests the Secretary-General to submit to the General Assembly at its fifty-first session a report on the status of the Convention on the Rights of the Child;

20. Decides to consider the report of the Secretary-General at its fifty-first session under the item entitled "Human rights questions".

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Agenda item 101

PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Afghanistan, Armenia, Australia, Austria, Benin, Bolivia, Burundi, Canada, Chile, Colombia, Costa Rica, Ethiopia, Finland, Georgia, Germany*, Guinea, Guinea-Bissau, Iceland, Israel, Lesotho, Liechtenstein, Malawi, Mali, Malta, Marshall Islands, Mexico, Mongolia, Morocco, Mozambique, Namibia, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Republic of Moldova, Russian Federation, Rwanda, Singapore, Sweden, Turkey, Ukraine and Uruguay: draft resolution

The plight of street children

The General Assembly,

Recalling its resolution 48/136 of 20 December 1993,

Recalling also Commission on Human Rights resolution 1994/93 of March 1994,

Welcoming the special attention given to the rights of children in the Vienna Declaration and Programme of Action, 1/ in particular in section I, paragraph 21,

Recalling the Convention on the Rights of the Child, adopted in its resolution 44/25 of 20 November 1989, as a major contribution to the protection of the rights of all children, including street children,

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* On behalf of the European Union and its member States.

1/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

Reaffirming that children are a particularly vulnerable group in society whose rights require special protection, and that children living under especially difficult circumstances, such as street children, deserve special attention, protection and assistance from their families and communities and as part of national efforts and international cooperation,

Recognizing that all children have the right to health, shelter and education, to an adequate standard of living and to freedom from violence and harassment,

Deeply concerned about the growing number of street children world wide and the squalid conditions in which these children are often forced to live,

Profoundly concerned that the killing of and violence against street children threaten the most fundamental right of all, the right to life,

Alarmed at continuing serious offences of this nature against street children,

Recognizing the duty and responsibility of Governments to investigate all cases of offences against street children and to punish offenders,

Recognizing also that legislation per se is not enough to prevent violations of human rights, including those of street children, and that Governments should implement their laws and complement legislative measures with effective action, inter alia, in the fields of law enforcement and in the administration of justice, and in social, educational and public health programmes,

Welcoming the efforts made by some Governments to take effective action to address the question of street children,

Welcoming also the publicity given to and the increased awareness of the plight of street children, and the achievements of non-governmental organizations in promoting their rights and in providing practical assistance to improve their situation, and expressing its appreciation of their continued efforts,

Welcoming further the valuable work of the United Nations Children's Fund and its National Committees in reducing the suffering of street children,

Noting with appreciation the important work carried out in this field by the United Nations, in particular the Committee on the Rights of the Child, the Special Rapporteur on the sale of children, child prostitution and child pornography and the United Nations International Drug Control Programme,

Bearing in mind the diverse causes of the emergence and marginalization of street children, including poverty, rural-to-urban migration, unemployment, broken families, intolerance, exploitation and war, and that such causes are often aggravated and their solution made more difficult by serious socio-economic difficulties,

Recognizing that the prevention and solution of certain aspects of this problem could be facilitated in the context of economic and social development,

Bearing in mind that the Vienna Declaration and Programme of Action urged all States, with the support of international cooperation, to address the acute problem of children in especially difficult circumstances and that national and international mechanisms and programmes should be strengthened for the defence and protection of children, including street children,

1. Expresses grave concern at the continued growth in the number of incidents world wide and at reports of street children being involved in and affected by serious crime, drug abuse, violence and prostitution;

2. Urges Governments to continue actively to seek comprehensive solutions to tackle the problems of street children and to take measures to restore their full participation in society, and to provide, inter alia, adequate nutrition, shelter, health care and education;

3. Strongly urges all Governments to guarantee the respect for fundamental human rights, particularly the right to life, and to take urgent measures to prevent the killing of street children and to combat torture and violence against street children;

4. Emphasizes that strict compliance with the provisions of the Convention on the Rights of the Child constitute a significant step towards solving the problems of street children, and calls upon all States that have not done so to become parties to the Convention as a matter of priority;

5. Calls upon the international community to support, through effective international cooperation, the efforts of States to improve the situation of street children and encourages States parties to the Convention on the Rights of the Child, in preparing their reports to the Committee on the Rights of the Child, to bear this problem in mind and to consider requesting technical advice and assistance for initiatives aimed at improving the situation of street children, in accordance with article 45 of the Convention;

6. Commends the Committee on the Rights of the Child for the attention it pays in its monitoring activities to the situation of children who, to survive, are forced to live and work in the streets, and reiterates its invitation to the Committee to consider the possibility of a general comment on street children;

7. Recommends that the Committee on the Rights of the Child and other relevant treaty-monitoring bodies give attention to this growing problem when examining reports from States parties;

8. Invites Governments, United Nations bodies and organizations, including the United Nations Children's Fund, and intergovernmental and non-governmental organizations to cooperate with each other to ensure greater awareness and more effective action to solve the problem of street children by, among other measures, initiating and supporting development projects that can have a positive impact on the situation of street children;

9. Calls upon special rapporteurs, special representatives and working groups of the Commission on Human Rights and of the Subcommission on the Prevention of Discrimination and Protection of Minorities, within their mandates, to pay particular attention to the plight of street children;

10. Decides to consider the question further at its fiftieth session under the agenda item entitled "Promotion and protection of the rights of children".

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Agenda item 103

PROGRAMME OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

Canada, Denmark, Finland, Netherlands, Norway and Sweden: draft decision

United Nations Voluntary Fund for Indigenous Populations

The General Assembly, on the recommendation of the Third Committee, having taken note of the report of the Secretary-General on the Status of the United Nations Voluntary Fund for Indigenous Populations, 1/ decides:

(a) To call upon Governments, non-governmental organizations and representatives of indigenous groups to consider contributions to the Fund and to disseminate widely information about the activities of the Fund;

(b) To request the Secretary-General to report to the General Assembly at its fifty-first session on the status of the United Nations Voluntary Fund for Indigenous Populations.

1/ A/49/536.

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PROGRAMME OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

Australia, Canada, Finland, Japan, Mexico, Netherlands, New Zealand, Norway and Sweden: draft decision

United Nations Voluntary Fund for Indigenous Populations

The General Assembly, on the recommendation of the Third Committee, having taken note of the report of the Secretary-General on the Status of the United Nations Voluntary Fund for Indigenous Populations, 1/ decides:

(a) To call upon Governments, non-governmental organizations and representatives of indigenous groups to consider contributions to the Fund and to disseminate widely information about the activities of the Fund;

(b) To request the Secretary-General to report to the General Assembly at its fifty-first session on the status of the United Nations Voluntary Fund for Indigenous Populations.

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1/ A/49/536.

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PROGRAMME OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE

Australia, Bolivia, Canada, Chile, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Fiji, Guatemala, Guyana, Honduras, Jamaica, Mexico, Micronesia (Federated States of), New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Peru, Samoa, Senegal, Suriname and Sweden: draft resolution

International Decade of the World's Indigenous People

The General Assembly,

Bearing in mind that one of the purposes of the United Nations, as set forth in the Charter, is the achievement of international cooperation in solving international problems of an economic, social, cultural or humanitarian character and in the promoting and encouraging respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing the value and diversity of the cultures and the forms of social organization of the world's indigenous people,

Recalling its resolution 48/163 of 21 December 1993, in which it proclaimed the International Decade of the World's Indigenous People, commencing on 10 December 1994,

Conscious of the need to improve the economic, social and cultural situation of the indigenous people with full respect for their distinctiveness and their own initiatives,

Taking note of the preliminary report of the Secretary-General, on a comprehensive programme of action for the Decade 1/ and of the draft programme of activities annexed to that report,

Reaffirming that the goal of the Decade is to strengthen international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, education and health,

Recalling that, beginning in the first year of the Decade, one day of every year shall be observed as the International Day of Indigenous People,

Welcoming the recommendation of the Working Group on Indigenous Populations of the Subcommission on Prevention of Discrimination and Protection of Minorities that the International Day be observed every year on 9 August, that date being the anniversary of the first day of the meeting of the Working Group in 1982,

Welcoming the appointment of the Assistant Secretary-General for Human Rights as Coordinator for the Decade,

Recognizing the importance of considering the establishment of a permanent forum for indigenous people within the United Nations system in the framework of the Decade, and recalling that the Commission on Human Rights, in its resolution 1994/28 of 4 March 1994, 2/ requested the Working Group to give priority consideration to the possible establishment of a permanent forum for indigenous people,

Recalling its request to the Coordinator to coordinate the programme of activities for the Decade in full collaboration and consultation with Governments, competent bodies, the International Labour Organization and other specialized agencies, and indigenous and non-governmental organizations,

Recalling also its request to specialized agencies, regional commissions and other organizations of the United Nations system to consider with Governments and in partnership with indigenous people how they can contribute to the success of the Decade, and welcoming recommendations received in this regard,

Recognizing the importance of consultation and collaboration with indigenous people in planning and implementing the programme of activities for the Decade, as well as the need for adequate financial support from within the United Nations system,

Recalling its invitation to indigenous organizations and other non-governmental organizations to consider the contributions they can make to

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1/ A/49/444.

2/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II.

the success of the Decade, with a view to presenting them to the Working Group on Indigenous Populations,

Taking note of Economic and Social Council decision 1992/255 of 20 July 1992, in which the Council requested United Nations bodies and specialized agencies to ensure that all technical assistance financed or provided by them was compatible with international instruments and standards applicable to indigenous peoples, and encouraged efforts to promote coordination in this field and greater participation of indigenous peoples in the planning and implementation of projects affecting them,

Convinced that the development of indigenous people within their countries will contribute to the socio-economic, cultural and environmental advancement of all the countries of the world,

Recognizing that indigenous people can and should be able through appropriate mechanisms to make their distinct contributions to humanity at the international, regional and national levels,

Mindful of the relevant recommendations of the World Conference on Human Rights, the United Nations Conference on Environment and Development and the International Conference on Population and Development,

Welcoming the proposal for an Indigenous Youth Cultural Olympics to be held at Manila in 1995, in conjunction with the Decade and the fiftieth anniversary of the United Nations,

Determined to promote the enjoyment of the rights of indigenous people and the full development of their distinct cultures and societies,

1. Welcomes the preliminary report of the Secretary-General on a comprehensive programme of action for the International Decade of the World's Indigenous People 1/ and the draft programme of activities contained in annex I to that report;

2. Decides to adopt the short-term programme of activities, for the period from January 1995 to December 1996, contained in annex II to the report of the Secretary-General, and invites the Commission on Human Rights, at its fifty-first session, to consider the short-term programme with a view to supplementing it if required;

3. Decides that the Decade will have an operational focus, and that its theme will be "Indigenous peoples: a new relationship - partnership in action";

4. Encourages the Commission on Human Rights to consider the draft United Nations declaration on the rights of indigenous peoples, as requested by the Subcommission on Prevention of Discrimination and Protection of Minorities, in its resolution 1994/45 of 26 August 1994, 3/ with the participation of representatives of indigenous people, on the basis of and in accordance with

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3/ See E/CN.4/Sub.2/1994/L.11/Add.3.

procedures to be determined by the Commission, with a view to achieving the adoption of a draft declaration by the General Assembly within the Decade;

5. Emphasizes the importance of considering the establishment of a permanent forum for indigenous people within the United Nations during the Decade, and requests the Commission on Human Rights to make recommendations in this regard;

6. Recognizes the importance of strengthening the human and institutional capacity of indigenous people to develop their own solutions to their problems and, for these purposes, recommends that the United Nations University consider the possibility of sponsoring, in each region, one or more institutions of higher education as centres of excellence and the diffusion of expertise, and invites the Commission on Human Rights to recommend appropriate means of implementation;

7. Decides that the International Day of the World's Indigenous People shall be observed every year on 9 August, and requests the Secretary-General to provide annually for a formal observance of the Day at United Nations Headquarters, with the participation of indigenous speakers;

8. Expresses its appreciation for the work undertaken by the Goodwill Ambassador, Rigoberta Menchú Tum, and expresses the hope that she will continue to play an important role in promoting the Decade;

9. Recommends that special attention be given to improving the extent and effectiveness of the participation of indigenous people in planning and implementing the activities for the Decade, including through the recruitment by relevant United Nations bodies and specialized agencies of staff from among indigenous nationals of Member States, consistent with Article 101 of the Charter of the United Nations, within existing resources, and through consultation with Governments at the national, regional and international levels;

10. Recommends for this purpose that a second technical meeting on the planning of the Decade be convened immediately prior to the thirteenth session of the Working Group on Indigenous Populations, and urges Governments, United Nations bodies, specialized agencies and, in particular, indigenous people's organizations to participate actively in that meeting, in accordance with agreed procedures;

11. Decides to consider at a later session the convening of further technical meetings for planning and review purposes at appropriate intervals during the Decade, and urges Governments, United Nations bodies, specialized agencies and, in particular, indigenous people's organizations to participate actively in such meetings;

12. Recommends that the Secretary-General:

(a) Establish, during the first quarter of 1995, the Voluntary Fund for the Decade, and include that Fund in the annual Pledging Conference for Development Activities held at United Nations Headquarters;

(b) Request United Nations representatives in countries where there are indigenous people to promote, through the appropriate channels, greater participation of indigenous people in the planning and implementation of projects affecting them;

(c) Urge relevant United Nations conferences convened during the Decade to promote and facilitate to the extent possible the effective input of the views of indigenous people;

(d) Ensure that information about the programme of activities for the Decade, and opportunities for indigenous people to participate in those activities, shall be disseminated in all countries and to the greatest possible extent in indigenous languages;

(e) Report on progress made in accomplishing these objectives to the General Assembly at its fiftieth session;

13. Requests the United Nations High Commissioner for Human Rights to take into account the special problems of indigenous people and the goals of the Decade in the fulfilment of his functions;

14. Requests the Assistant Secretary-General for Human Rights, bearing in mind the contribution that indigenous people have the capacity to make, to establish a unit within the Centre for Human Rights of the Secretariat to support its activities related to indigenous people, in particular to plan, coordinate and implement activities for the Decade;

15. Invites the Assistant Secretary-General for Human Rights to consider the appointment of a fund-raiser who could develop new sources of funding for the Decade;

16. Requests the Administrative Committee on Coordination, through its inter-agency process, to consult and coordinate on the Decade, with a view to assisting the Coordinator of the Decade to fulfil his function, and to report on activities of the United Nations system in relation to the Decade to the General Assembly in each year of the Decade;

17. Requests United Nations financial and development institutions, operational programmes and specialized agencies:

(a) To give increased priority and resources to improving the conditions of indigenous people, with particular emphasis on the needs of those people in developing countries;

(b) To launch special projects, in collaboration with indigenous people, for strengthening community-level initiatives and exchanging information and expertise between indigenous people of different countries and regions;

(c) To designate focal points for coordination with the Centre for Human Rights of activities related to the Decade;

18. Encourages Governments to support the Decade by:

(a) Contributing to the United Nations Trust Fund for the Decade;

(b) Preparing relevant programmes, plans and reports in relation to the Decade, in consultation with indigenous people;

(c) Seeking means, in consultation with indigenous people, of giving indigenous people greater responsibility for their own affairs, and an effective voice in decisions on matters which affect them;

(d) Establishing national committees or other mechanisms involving indigenous people to ensure that the objectives and activities of the Decade are planned and implemented on the basis of full partnership with indigenous people;

19. Appeals to Governments and intergovernmental and non-governmental organizations to support the Decade by identifying resources for activities, in cooperation with indigenous people, that result in improvements in the economic and social conditions of indigenous communities, facilitate exchanges of information and expertise among indigenous people, and strengthen the institutional capacity of indigenous organizations;

20. Decides to include in the provisional agenda of its fiftieth session the item entitled "Programme of activities of the International Decade of the World's Indigenous People".

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Agenda item 101

PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Programme budget implications of draft resolution A/C.3/49/L.23

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

A. Requests contained in the draft resolution

1. By operative paragraphs 13, 14 and 15 of draft resolution A/C.3/49/L.23, the General Assembly would:

> 13. Approve the recommendation contained in the resolution adopted by consensus by the meeting of the States parties to the Convention on the Rights of the Child on 10 October 1994, in which the States parties reaffirmed the recommendation made by the Committee on the Rights of the Child regarding the increase to three of the number of annual sessions of the Committee as from 1995, as well as the number of the pre-sessional working group;
>
> 14. Authorize the Secretary-General to implement that recommendation;
>
> 15. Request the Secretary-General to ensure the provision of appropriate staff and facilities, within the overall existing budget framework, for the effective and expeditious performance of the functions of the Committee on the Rights of the Child.

B. Relationship of the requests to the approved programme of work

2. The requests contained in the above operative paragraphs of the draft resolution relate to subprogramme 1, Implementation of international instruments and procedures, of programme 35, Promotion and protection of human rights, for

the medium-term plan for the period 1992-1997 1/ and to activities included under subprogramme 1 of section 21, Human rights, of the programme budget for the biennium 1994-1995. 2/

C. Activities by which the proposed requests would be implemented

3. Should the General Assembly adopt the draft resolution, the additional annual session of the Committee would be convened as from 1995 during the spring of each year for a duration of three weeks. The additional meeting of the pre-sessional working group would be held in January of each year immediately following the conclusion of the Committee's regular winter session, thus avoiding the need to provide for additional travel resources.

D. Additional requirements at full cost

4. With regard to operative paragraph 13 of the draft resolution, on the organization of the future work of the Committee, it should be recalled that, under the terms of the Convention on the Rights of the Child adopted by the General Assembly in its resolution 44/25 of 20 November 1989, and as amended in its resolution 47/112 of 16 December 1992, the Committee on the Rights of the Child holds two three-week sessions a year at Geneva. A pre-sessional working group also meets at Geneva for one week approximately two to three months in advance of each session. The related resources have been provided in the programme budget for the biennium 1994-1995. However, the additional annual session of the Committee and the pre-sessional working group have not been included in the 1994-1995 programme budget. They would, thus, entail additional requirements as summarized below:

I. SECTION 21

	1995 $
10 members attending the additional annual session of the Committee	87 500
10 members attending the additional meeting of the pre-sessional working group	12 400
Total I	99 900

II. SECTION 25E

	1995 $
Conference services costs	
(a) Pre-sessional working group	
Meeting services (10 meetings: E,F,S)	28 200
Pre-session documentation (200 pages: E,F,S)	105 000
In-session documentation (50 pages: E,F,S)	30 300
Post-session documentation (50 pages: E,F,S)	30 300
General Services requirements	3 400
Subtotal	197 200
(b) Session of the Committee	
Meeting services (30 meetings: E,F,S, A,C,R for 2 meetings only)	100 800
Pre-session documentation (50 pages: E,F,S)	29 500
In-session documentation (100 pages: E,F,S)	58 300
Post-session documentation (50 pages: E,F,S)	56 600
Summary records (30 meetings: E,F,S A,C,R for 2 meetings only)	297 600
General Services requirements	10 300
Subtotal	553 100
Total II	750 300
Grand total, I and II	850 200

E. Potential for absorption

5. It should be recalled that, in the expectation that the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families would enter into force in 1994-1995, the General Assembly approved, under section 21 of the programme budget for the biennium 1994-1995, an amount of $236,100, including $148,100 for travel and $88,000 for honoraria for the 14 members of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families. However, owing to the fact that the number of ratifications is lower than was anticipated, the Convention is not expected to enter into force in 1994-1995 and therefore the Committee will not be meeting in that period. It is therefore proposed to redeploy part of this amount in order to finance the proposed additional meetings of the pre-sessional working group and of the Committee on the Rights of the Child ($99,900).

6. In connection with operative paragraph 15 of the draft resolution, in which the Secretary-General would be requested to ensure the provision of appropriate staff and facilities, within the overall existing budget framework, for the effective performance of the functions of the Committee on the Rights of the Child, no additional staff resources are envisaged beyond those that were originally approved by the General Assembly, that is, one P-4, one P-2 and one General Service staff member, by its resolution 45/248 B, section VI, of 21 December 1990 and one P-4, one P-3 and two General Service staff members approved in connection with the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; these were redeployed for the additional work envisaged in respect of the rights of the child as indicated in the statement of programme budget implications (A/C.5/48/46) submitted in connection with General Assembly resolution 48/121 of 20 December 1993 on the World Conference on Human Rights.

7. The resources provided under section 25E (Conference services) of the programme budget for 1994-1995 include provision not only for meetings already in the calendar of conferences but also for those to be added later by decisions of the General Assembly, based on the pattern of such meetings in the past. Accordingly, it is anticipated that the provision of conference services for the additional session of the Committee and the pre-sessional working group meeting, totalling $750,300, would be made available from within the resources included under section 25E of the programme budget. Thus, no additional requirements for conference-servicing would arise.

F. Summary of additional requirements

8. Accordingly, should the General Assembly adopt draft resolution A/C.3/49/L.23, it is estimated that no additional appropriation would be required under section 21 of the programme budget for the biennium 1994-1995.

Notes

1/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 6 (A/47/6/Rev.1), vol. II.

2/ Ibid., Forty-eighth Session, Supplement No. 6 (A/48/6/Rev.1), vol. II.

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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Algeria, Argentina, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cuba, Ecuador, Egypt, Ghana, Guinea, Guinea-Bissau, Mexico, Morocco, Nicaragua, Peru, Philippines, Russian Federation, Senegal, Tunisia, Turkey and Uruguay: draft resolution

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and standards set forth in the basic instruments regarding the international protection of human rights, in particular in the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ the Convention on the Elimination of All Forms of Discrimination against Women 4/ and the Convention on the Rights of the Child, 5/

1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ Resolution 34/180, annex.

5/ Resolution 44/25, annex.

Bearing in mind the principles and standards established within the framework of the International Labour Organization and the importance of the work done in connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, in spite of the existence of an already established body of principles and standards, there is a need to make further efforts to improve the situation and to ensure the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that in the Vienna Declaration and Programme of Action, 6/ adopted by the World Conference on Human Rights, all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers,

Recalling its resolution 45/158 of 18 December 1990, in which it adopted and opened for signature, ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that in the Vienna Declaration and Programme of Action States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 48/148 of 20 December 1993, it requested the Secretary-General to submit to it at its forty-ninth session a report on the status of the Convention,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world;

2. Welcomes the signature or ratification of, or accession to, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by some Member States;

6/ Report of the World Conference on Human Rights, Vienna, 14 to 25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

3. Calls upon all Member States to consider the possibility of signing and ratifying or acceding to the Convention as a matter of priority, and expresses the hope that it will enter into force at an early date;

4. Requests the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention, through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. Invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. Takes note of the report of the Secretary-General 7/ and requests him to submit to it at its fiftieth session an updated report on the status of the Convention;

7. Decides to consider the report of the Secretary-General at its fiftieth session under the sub-item entitled "Implementation of human rights instruments".

7/ A/49/405.

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Agenda item 100 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF
HUMAN RIGHTS INSTRUMENTS

Australia, Austria, Canada, Chile, Costa Rica, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Morocco, Netherlands, Nigeria, Norway, Republic of Korea, Senegal, Slovakia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America:
draft resolution

United Nations Voluntary Fund for Victims of Torture

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights, 1/ which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2/

Reaffirming the importance of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 3/

1/ Resolution 217 A (III).

2/ Resolution 3452 (XXX), annex.

3/ Resolution 39/46, annex.

Welcoming the recommendation in the Vienna Declaration and Programme of Action 4/ that providing necessary resources for assistance to victims of torture should be given high priority, inter alia, by additional contributions to the United Nations Voluntary Fund for Victims of Torture,

Recalling its resolution 36/151 of 16 December 1981, in which it noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims of torture in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Alarmed at the widespread occurrence of torture and other cruel, inhuman or degrading treatment or punishment,

Convinced that the struggle to eliminate torture includes the provision of assistance in a humanitarian spirit to the victims and members of their families,

Taking note of the report of the Secretary-General, 5/

Taking note also of the actions by the Secretary-General, through the staff of the Centre for Human Rights, to assist the Board of Trustees of the Fund in its efforts to increase public awareness of the Fund and its humanitarian work,

Recalling the statement by the Board of Trustees of the Fund on the need to receive contributions from Governments on a regular basis, which, inter alia, would prevent the interruption of programmes in the continuation of which the Fund plays an instrumental role,

Taking account of the fund-raising campaign launched on the recommendation of the Board of Trustees at its eleventh session, held from 22 April to 1 May 1992, to enhance the capacity of the Fund to respond more favourably to the increasing number of requests for assistance to victims of torture,

Taking account also of the increasing number of projects and the repeated requests by the Board of Trustees of the Fund to have adequate staff for the operations of the Fund,

Noting with satisfaction the establishment of an international network of centres for the rehabilitation of torture victims, which plays an important role in providing assistance to victims of torture, and the collaboration of the Fund with these centres,

1. Expresses its gratitude and appreciation to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

4/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

5/ A/49/484 and Add.1.

2. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis and annually before the meeting of the Board of Trustees, and if possible with a substantial increase in the number and level of contributions in order to take into consideration the ever-increasing demand for assistance;

3. Requests the Secretary-General to transmit to all Governments the appeals, of the Commission on Human Rights for contributions to the Fund;

4. Expresses its appreciation to the Governments that pledged a contribution to the Fund at the 1994 United Nations Pledging Conference for Development Activities;

5. Requests the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

6. Expresses its appreciation to the Board of Trustees of the Fund for the work it has accomplished;

7. Renews its request to the Secretary-General to make use of all existing possibilities, including the preparation, production and dissemination of information materials, to assist the Board of Trustees of the Fund in its efforts to make the Fund and its humanitarian work better known and in its appeal for contributions;

8. Requests the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate and stable staffing and technical equipment to ensure the efficient management of the Fund;

9. Also requests the Secretary-General to report to the General Assembly at its fiftieth session on the operations of the Fund.

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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Canada, Denmark, Finland, France, Iceland, Italy, Liechtenstein, Luxembourg, Netherlands, Nicaragua, Nigeria, Norway, Slovenia, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Report of the Committee against Torture and status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights, 1/ and article 7 of the International Covenant on Civil and Political Rights, 2/ both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling also the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly in its resolution 3452 (XXX) of 9 December 1975 and contained in the annex to that resolution,

Recalling further its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, contained in the annex to that resclution, and called upon all Governments to

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1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

consider signing, ratifying and acceding to the Convention as a matter of priority, its subsequent resolutions on the status of the Convention, most recently its resolution 47/113 of 16 December 1992, and its decisions 46/428 and 46/430 of 17 December 1991, as well as the Commission on Human Rights resolutions on the subject, most recently resolution 1994/38 of 3 March 1994, 3/

Mindful of the relevance, for the eradication of torture and other cruel, inhuman or degrading treatment or punishment, of the Code of Conduct for Law Enforcement Officials 4/ and of the Principles of Medical Ethics relevant to the role of health personnel, particularly physicians, in the protection of prisoners and detainees against torture and other cruel, inhuman or degrading treatment or punishment, 5/

Recalling the adoption of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, 6/

Seriously concerned about the alarming number of reported cases of torture and other cruel, inhuman or degrading treatment or punishment taking place in various parts of the world, and concerned by the stagnation in the number of ratifications to the Convention received during the past year,

Determined to promote the full implementation of the prohibition, under international and national law, of the practice of torture and other cruel, inhuman or degrading treatment or punishment,

Recalling Commission on Human Rights resolution 1992/32 of 28 February 1992, in which the Commission decided to extend for three years the mandate of the Special Rapporteur to examine questions relevant to torture,

Noting with appreciation the activities of the open-ended working group of the Commission on Human Rights, while expressing its concern at the pace of its progress in elaborating a draft Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

1. Commends the Committee against Torture for its excellent report 7/ in its modified presentation and for the improvement in its working methods;

3/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

4/ Resolution 34/169, annex.

5/ Resolution 37/194, annex.

6/ Resolution 43/173, annex.

7/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 44 (A/49/44).

2. Notes the status of submission of reports by States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; 8/

3. Emphasizes the importance of the strictest compliance by States parties with their obligations under the Convention;

4. Urges all States parties to the Convention to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

5. Encourages the open-ended working group of the Commission on Human Rights on the elaboration of a draft Optional Protocol to the Convention against Torture to intensify its deliberations with a view to an early conclusion of its work;

6. Stresses the importance of strict adherence by States parties to their obligations under the Convention regarding the financing of the Committee against Torture, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention, and urges States parties whose arrears predate the provisions made by the Secretary-General for financing the Committee against Torture from the regular budget to fulfil their obligations forthwith;

7. Invites States parties to consider contributing to the United Nations Voluntary Fund for Victims of Torture as a gesture reflecting the determination of States to promote human rights;

8. Welcomes the attention that the Committee against Torture has given to the development of an effective system of reporting on the implementation of the Convention by States parties, and especially its revision of its general guidelines for the submission of reports by States parties, as well as its practice of formulating concluding observations after the consideration of such reports;

9. Commends the Centre for Human Rights for the advisory services and technical assistance it provides to States, at their request, in preparing national reports to the Committee;

10. Welcomes the continuing close contacts and exchange of information, reports and documents between the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on questions relating to torture;

11. Invites donor countries to consider the inclusion in their bilateral development cooperation of programmes and projects relating to the training of armed forces and police personnel in matters relating to the protection of human rights and the prevention of torture;

8/ Ibid., annex III.

12. Requests the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee against Torture;

13. Urges all States which have not yet done so to become parties to the Convention as a matter of priority;

14. Invites all States ratifying or acceding to the Convention and those States parties which have not yet done so to make the declarations provided for in articles 21 and 22 of the Convention, and to consider the possibility of withdrawing their reservations to article 20;

15. Requests the Secretary-General to submit to the Commission on Human Rights at its fifty-first session and to the General Assembly at its fifty-first session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

16. Decides to consider the reports of the Secretary-General and the Committee against Torture at its fifty-first session under the sub-item entitled "Implementation of human rights instruments".

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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF
HUMAN RIGHTS INSTRUMENTS

Australia, Austria, Canada, Costa Rica, Finland, Germany, Hungary, Iceland, Italy, Luxembourg, Netherlands, Philippines, Slovakia and Sweden: draft resolution

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 48/120 of 20 December 1993, as well as other relevant resolutions,

Reaffirming that the effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, 1/ to promote universal respect for and observance of human rights and fundamental freedoms,

Conscious of the importance of the effective integration of human rights into the totality of the activities of the United Nations,

Noting that serious human rights violations are a first indication of national and international instabilities that might become a threat to international peace and security,

1/ Resolution 217 A (III).

Reaffirming its responsibility to ensure the proper functioning of treaty bodies established pursuant to instruments adopted by the General Assembly and, in this connection, further reaffirming the importance of:

(a) Ensuring the effective functioning of systems of periodic reporting by States parties to these instruments;

(b) Securing sufficient financial and human resources to overcome existing difficulties with their effective functioning;

(c) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Welcoming the conclusions and recommendations of the fifth meeting of persons chairing the human rights treaty bodies, held at Geneva from 19 to 23 September 1994, 2/

Welcoming also the initiatives taken by a number of treaty bodies to elaborate early warning measures and urgent procedures with a view to preventing the occurrence, or recurrence, of serious human rights violations, 3/

Expressing concern about the increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies,

Expressing concern also about the non-fulfilment by many States parties of their financial obligations under the relevant United Nations instruments on human rights,

Recalling the conclusions and recommendations of the meetings of persons chairing the human rights treaty bodies, held since 1988, and the endorsement of the recommendations aimed at streamlining, rationalizing and otherwise improving reporting procedures by the General Assembly in its resolution 48/120,

Taking note of the relevant paragraphs of the Vienna Declaration and Programme of Action, 4/

Taking note also of the reports of the Secretary-General on progress achieved in enhancing the effective functioning of the treaty bodies, 5/

Welcoming the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies,

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2/ A/49/537, annex, chap IV.

3/ Ibid., para. 12.

4/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

5/ A/44/539, A/46/503, S/48/508 and Corr.1 and A/49/537.

1. Endorses the conclusions and recommendations of the fifth meeting of persons chairing the human rights treaty bodies, held at Geneva from 19 to 23 September 1994;

2. Welcomes the continuing efforts by the treaty bodies and the Secretary-General, within their respective spheres of competence, aimed at streamlining, rationalizing and otherwise improving reporting procedures;

3. Again urges States parties to make every effort to meet their reporting obligations and to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining and improving reporting procedures;

4. Urges the treaty bodies to examine ways of reducing the duplication of reporting required under the different instruments and of generally reducing the reporting burden on Member States, including through:

(a) Identifying where cross-referencing can be used in report writing;

(b) Recommending designating specific national administrative units to coordinate reports to all treaty bodies;

(c) Establishing coordination between the treaty bodies and the International Labour Organization to identify overlap between respective instruments and conventions;

(d) Considering the utility of single comprehensive reports and of replacing periodic reports with specifically tailored reports and thematic reports;

5. Welcomes the emphasis placed by the meeting of persons chairing the human rights treaty bodies and by the Commission on Human Rights on the importance of technical assistance and advisory services and, further to this end:

(a) Requests that the High Commissioner for Human Rights report regularly to the Commission on possible technical assistance projects identified by the treaty bodies;

(b) Invites the treaty bodies to give priority attention to identifying such possibilities in the regular course of their work of reviewing the periodic reports of State parties;

(c) Invites States parties which have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

6. Urges States parties to address, as a matter of priority, at their next scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

7. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

8. Invites the specialized agencies and other United Nations bodies and the human rights treaty bodies to develop effective means for further cooperation between them, bearing in mind the responsibilities of the High Commissioner for Human Rights;

9. Invites the High Commissioner for Human Rights to consult the human rights treaty bodies in regard to his efforts to promote cooperation with regional intergovernmental organizations for the promotion and protection of human rights;

10. Welcomes the emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be closely monitored by each treaty body within the competence of its mandate, and endorses the recommendation by the chairpersons that each treaty body consider amending its reporting guidelines to request gender-specific information from States parties;

11. Encourages each of the treaty bodies to examine the possibility of changing its working methods or amending its rules of procedure to allow non-governmental organizations to participate more fully in its activities;

12. Endorses the recommendations of the meetings of persons chairing the human rights treaty bodies on the need to ensure financing and adequate staffing resources for the operations of the treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in regard to the various treaty bodies;

(b) Requests that the Secretary-General report on this question to the Commission on Human Rights at its fifty-first session and to the General Assembly at its fiftieth session;

13. Urges States parties to notify the Secretary-General, as depository of the International Convention on the Elimination of All Forms of Racial Discrimination 6/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 7/ of their acceptance of the amendments approved by the States parties, and by the General Assembly in its resolution 48/120, for the purpose of funding the respective committees from the regular budget;

14. Calls upon all States parties to fulfil without delay and in full their financial obligations, including their arrears, under the International Convention on the Elimination of All Forms of Racial Discrimination and the

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6/ Resolution 2106 A (XX), annex.

7/ Resolution 39/46, annex.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment until the amendments enter into force;

15. Requests the Secretary-General to continue to take the necessary measures to ensure that the two committees established under the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment meet as scheduled until the amendments enter into force;

16. Endorses the recommendation by the meeting of persons chairing the human rights treaty bodies that the Committee on the Elimination of Discrimination against Women be allocated additional meeting time until the backlog of pending reports has been eliminated, and that the Secretary-General allocate sufficient resources to the Committee; 8/

17. Requests the High Commissioner for Human Rights to prepare an inventory of all international human rights standard-setting activities in order to facilitate better informed decision-making;

18. Welcomes the recommendation by the meeting of persons chairing the human rights treaty bodies that treaty bodies urge the States parties to translate, publish, and make available to the media the full text of the concluding observations on their reports to the treaty-monitoring bodies, 9/ and requests the High Commissioner for Human Rights to ensure that recent reports and the summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

19. Invites the Department of Public Information of the United Nations Secretariat to publish at the end of each year, as a separate volume, a compilation of all concluding observations adopted during that year by treaty bodies;

20. Requests the High Commissioner for Human Rights to ensure that the United Nations Manual on Human Rights Reporting is available in all official languages at the earliest opportunity and that due regard is paid to the recommendations concerning the Manual made by the fifth meeting of the persons chairing the human rights treaty bodies; 10/

21. Endorses the recommendations by the meeting of persons chairing the human rights treaty bodies that the Security Council give increased attention to violations of human rights, which are a first indication of national and international instabilities and a threat to peace, and that the information

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8/ A/49/537, annex, paras. 49-50.

9/ Ibid., para. 44.

10/ Ibid., para. 57.

provided by treaty bodies be taken into consideration by the Council when deciding on a course of action; 11/

22. Welcomes the recommendation by the meeting of persons chairing the human rights treaty bodies that the treaty bodies take all appropriate measures in response to situations of serious human rights violations, including bringing those violations to the attention of the High Commissioner for Human Rights as well as the Secretary-General and the competent organs and bodies of the United Nations, including the Security Council, 12/ requests that the Secretary-General meet with the High Commissioner for Human Rights and the persons chairing the human rights treaty bodies in 1995 to discuss the role of the treaty bodies in this regard, and further requests the Secretary-General to report to the General Assembly at its fiftieth session on the meeting;

23. Requests the Secretary-General to take the appropriate steps in order to finance, as of 1995, annual meetings of persons chairing the human rights treaty bodies from the available resources of the regular budget of the United Nations;

24. Decides to continue giving priority consideration, at its fiftieth session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

11/ Ibid., para. 28.

12/ Ibid., para. 27.

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Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (e)

HUMAN RIGHTS QUESTIONS: CAPITAL PUNISHMENT

Andorra, Australia, Austria, Belgium, Cambodia, Cape Verde, Chile, Colombia, Costa Rica, Czech Republic, Denmark, Ecuador, Finland, France, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Marshall Islands, Monaco, Netherlands, Nicaragua, Norway, Panama, Paraguay, Portugal, Romania, San Marino, Spain, Sweden, Uruguay and Vanuatu: draft resolution

Capital punishment

The General Assembly,

Recalling article 3 of the Universal Declaration of Human Rights, 1/ which affirms the right of everyone to life, article 6 of the International Covenant on Civil and Political Rights 2/ and articles 6 and 37 (a) of the Convention on the Rights of the Child, 3/

Recalling its resolutions 2857 (XXVI) of 20 December 1971, 32/61 of 8 December 1977 and 44/128 of 15 December 1989, by the latter of which it adopted and opened for signature the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,

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1/ Resolution 217 A (III).

2/ Resolution 220 A (XXI), annex.

3/ Resolution 44/25.

Recalling also Economic and Social Council resolutions 1574 (L) of 20 May 1971, 1745 (LIV) of 16 May 1973, 1930 (LVIII) of 6 May 1975, 1984/50 of 25 May 1984, 1985/33 of 29 May 1985, 1990/29 of 24 May 1990 and 1990/51 of 24 July 1990,

Deeply concerned that in some countries that have not yet abolished the death penalty sentence of death is imposed for other than the most serious crimes,

Also concerned that several countries impose the death penalty on juveniles, pregnant women and insane persons, in disregard of the limitations provided for in the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, and the safeguards guaranteeing protection of the rights of those facing the death penalty, set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984,

Welcoming that in the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the statute of the ad hoc international criminal tribunal on Rwanda and the draft statute for an international criminal court elaborated by the International Law Commission, 4/ capital punishment is excluded from the penalties that these Courts are authorized to impose,

Convinced that abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights,

1. Calls upon all States that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;

2. Urges all States that still maintain the death penalty to comply fully with their obligations under the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, and in particular to exclude pregnant women and juveniles from capital executions;

3. Invites all States that have not yet abolished the death penalty to consider the progressive restriction of the number of offences for which the death penalty may be imposed and to exclude insane persons from capital executions;

4. Encourages all States that have not yet abolished the death penalty to consider the opportunity of instituting a moratorium on pending executions with a view to ensuring that the principle that no State should dispose of the life of any human being be affirmed in every part of the world by the year 2000.

4/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 10 (A/49/10), chap. II, sect. B.5.

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Agenda item 100 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Bolivia, Chile, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Ethiopia, France, Guinea-Bissau, India, Israel, Mexico, Morocco, Nicaragua, Nigeria, Panama, Paraguay, Peru, Philippines, Spain, Suriname, Turkey, Uganda, Uruguay and Venezuela: draft resolution

Human rights and extreme poverty

The General Assembly,

Reaffirming the Universal Declaration of Human Rights, 1/ the International Covenant on Civil and Political Rights, 2/ the International Covenant on Economic, Social and Cultural Rights 2/ and other human rights instruments adopted by the United Nations.

Considering the relevant provisions of the Vienna Declaration and Programme of Action, 3/

1/ Resolution 217 A (III).

2/ See resolution 2200 A (XXI), annex.

3/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

Recalling its resolutions 44/148 of 15 December 1989, 44/212 of 22 December 1989 and 45/199 of 21 December 1990, and other relevant resolutions,

Bearing in mind Commission on Human Rights resolutions 1992/11 of 21 February 1992 and 1993/13 of 26 February 1993, as well as Subcommission on Prevention of Discrimination and Protection of Minorities resolution 1993/35 of 25 August 1993,

Bearing in mind also Commission on Human Rights resolution 1994/12 of 25 February 1994, in which the Commission drew the attention of the General Assembly to the contradiction between the existence of situations of extreme poverty and social exclusion, which must be overcome, and the duty to guarantee the full enjoyment of human rights,

Recalling its resolution 47/134 of 18 December 1992, in which it reaffirmed that extreme poverty and exclusion from society constituted a violation of human dignity and stressed the need for a complete and in-depth study of extreme poverty, based on the experience and the thoughts of the poorest,

Recognizing that the existence of widespread extreme poverty inhibits the full and effective enjoyment of human rights and, in some situations, might constitute a threat to the right to life,

Deeply concerned that extreme poverty continues to spread in all countries of the world, regardless of their economic, social and cultural situation, and seriously affects the most vulnerable and disadvantaged individuals, families and groups, who are thus hindered in the exercise of their human rights and their fundamental freedoms,

Recognizing that the elimination of widespread poverty and the full enjoyment of economic, social and cultural rights are interrelated goals,

Recognizing also the work undertaken by the Special Rapporteur, and taking into account his preliminary report on human rights and extreme poverty,

Welcoming the importance of the forthcoming World Summit on Social Development, to be held at Copenhagen in March 1995, which will address, among the core issues affecting all societies, the alleviation and reduction of poverty,

1. Reaffirms the extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them;

2. Reaffirms also that, in accordance with the Vienna Declaration and Programme of Action, it is essential for States to foster participation by the poorest people in the decision-making process in their communities, the promotion of human rights and efforts to combat extreme poverty;

3. Expresses its satisfaction that the Commission on Human Rights, in its resolution 1994/12, invited the Special Rapporteur to continue to give special attention to the following aspects in preparing his reports:

(a) The effects of extreme poverty on the enjoyment and exercise of all human rights and fundamental freedoms of those affected by it;

(b) Efforts by the poorest themselves to exercise their rights and participate fully in the development of the society in which they live;

(c) Conditions in which the poorest can convey their experiences and ideas and become partners in the enjoyment of human rights;

(d) Means of promoting a better understanding of the experiences and ideas of the poorest and those committed to working alongside them;

4. Again calls upon States, the specialized agencies, United Nations bodies and other international organizations, including intergovernmental organizations, to give the necessary attention to this problem;

5. Notes with appreciation the specific action taken by the United Nations Children's Fund to mitigate the effects of extreme poverty on children and the efforts of the United Nations Development Programme to give priority to the search for some means of alleviating poverty within the framework of the relevant resolutions, and urges them to continue in this work;

6. Decides to consider this question further at its fifty-first session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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Agenda item 100 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

China, Cuba, Democratic People's Republic of Korea, Iraq, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Namibia, Sudan, Viet Nam and Zimbabwe: draft resolution

Respect for the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes

The General Assembly,

Reaffirming the purpose of the United Nations to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples and to take other appropriate measures to strengthen universal peace,

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling also its resolution 2625 (XXV) of 24 October 1970, by which it approved the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Recalling further the principle enshrined in Article 2, paragraph 7, of the Charter of the United Nations, which establishes that nothing contained in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the Charter,

Reaffirming the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and for liberation from colonial and foreign domination, and for the establishment of a society in which people, irrespective of race, colour or creed, will fully enjoy economic, social, cultural, civil and political rights on a basis of equality and participate freely in the determination of their destiny,

Reaffirming also in this context the right of the Palestinian people to self-determination,

Recognizing that the principles of national sovereignty and non-interference in the internal affairs of any State should be respected in the holding of elections,

Recognizing also that there is no single political system or single model for electoral processes equally suited to all nations and their peoples, and that political systems and electoral processes are subject to historical, political, cultural and religious factors,

Convinced that the establishment of the necessary mechanisms and means to guarantee full and effective popular participation in electoral processes corresponds to States,

Recalling all its resolutions in this regard,

Welcoming the Vienna Declaration and Programme of Action, 1/ adopted by the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, in which the Conference reaffirmed that the processes of promoting and protecting human rights should be conducted in conformity with the purposes and principles of the Charter,

1. Reiterates that, by virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right, freely and without external interference, to determine their political status and to pursue their economic, social and cultural development, and that every State has the duty to respect that right in accordance with the provisions of the Charter;

2. Reaffirms that it is the concern solely of peoples to determine methods and to establish institutions regarding the electoral process, as well as to determine the ways for its implementation according to their constitution and national legislation, and that, consequently, States should establish the necessary mechanisms and means to guarantee full and effective popular participation in those processes;

1/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. II.

3. Reaffirms also that any activities that attempt, directly or indirectly, to interfere in the free development of national electoral processes, in particular in the developing countries, or that are intended to sway the results of such processes, violate the spirit and letter of the principles established in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations; 2/

4. Reaffirms further that there is no universal need for the United Nations to provide electoral assistance to Member States, except in special circumstances such as cases of decolonization, in the context of regional or international peace processes or at the request of specific sovereign States, by virtue of resolutions adopted by the Security Council or the General Assembly in each case, in strict conformity with the principles of sovereignty and non-interference in the internal affairs of States;

5. Urges all States to respect the principle of non-interference in the internal affairs of States and the sovereign right of peoples to determine their political, economic and social systems;

6. Strongly appeals to all States to refrain from financing or providing, directly or indirectly, any other form of overt or covert support for political parties or groups and from taking actions to undermine the electoral processes in any country;

7. Condemns any act of armed aggression or threat or use of force against peoples, their elected Governments or their legitimate leaders;

8. Reaffirms the legitimacy of the struggle of all peoples under colonial and foreign domination, particularly of the Palestinian people, for the exercise of their inalienable right to self-determination and national independence, which will enable them to determine their political, economic and social system, without interference;

9. Calls upon the Commission on Human Rights to continue giving priority to the review of the fundamental factors that negatively affect the observance of the principles of national sovereignty and non-interference in the internal affairs of States in their electoral processes and to report to the General Assembly at its fiftieth session, through the Economic and Social Council;

10. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution, under the item entitled "Human rights questions".

2/ Resolution 2625 (XXV), annex.